CABLE AND WIRE BOUNTY.

**No. 29 of 1941.**

An Act to provide for the Payment of Bounty on the Production of Rubber-insulated Cable and Rubber-insulated Wire.

[Assented to 27th September, 1941.]

[Date of commencement, 25th October, 1941.]

**Preamble.**

BE it enacted by the King’s Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows:—

**Short title.**

**1**. This Act may be cited as the *Cable and Wire Bounty Act* 1941.

**Definitions.**

**2.** In this Act, unless the contrary intention appears—

“authorized person”, in relation to any provision of this Act» means any person declared by the Minister in writing to be an authorized person for the purposes of that provision;

“bounty” means bounty under this Act;

“Collector” means Collector of Customs for a State;

“Customs Tariff” means the *Customs Tariff* 1933–1939 and includes that Act as amended from time to time and any Act in substitution for that Act or for that Act as so amended, and, in addition, includes any Tariff Proposal introduced into the House of Representatives for the purpose of amending the Customs Tariff;

“factory” means any premises appointed by the Minister as a factory for the purposes of this Act;

“rubber-insulated cable and rubber-insulated wire” means electrical cable and wire which has been manufactured from copper wire and is insulated with rubber and which, in the event of its importation into Australia, would be classifiable under item 181 (**a**) (1) (*a*) in the Schedule to the Customs Tariff;

“the Comptroller-General” means the Comptroller-General of Customs.

**Appropriation.**

**3.** There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, the bounty specified in this Act.

**Specification of bounty.**

**4.** Bounty shall, subject to this Act, be payable in respect of rubber-insulated cable and rubber-insulated wire (other than rubber-insulated cable and rubber-insulated wire sold by the manufacturer direct to the Commonwealth for use for defence purposes) produced, during the financial year which commenced on the first day of July, One thousand nine hundred and forty or during the financial year which commenced on the first day of July, One thousand nine hundred and forty-one, for sale for use in the Commonwealth.

**Limit of annual bounty.**

**5.**—(1.) The total amount of bounty paid in respect of rubber-insulated cable and rubber-insulated wire produced during any one financial year shall not exceed the sum of Twenty-five thousand pounds.

(2.) Where the total amount available for the payment of bounty in respect of rubber-insulated cable and rubber-insulated wire produced in any financial year is insufficient for payment in full of all valid claims for bounty in respect of rubber-insulated cable and rubber-insulated wire so produced, the bounty otherwise payable in respect of each of those claims shall be reduced to an amount which bears the same proportion to the amount of the claim that the total amount of bounty so available bears to the total amount of those claims.

(3.) If the Minister is of the opinion that the total amount of bounty available for the payment of bounty in respect of rubber-insulated cable and rubber-insulated wire produced in any financial year will be insufficient for the payment in full of all valid claims in respect of rubber-insulated cable and rubber-insulated wire so produced, he may withhold payment of the whole or any part of all bounties otherwise payable in respect of those valid claims until he has ascertained the total amount of valid claims in respect of rubber-insulated cable and rubber-insulated wire produced in that financial year.

**To whom bounty payable.**

**6.** Bounty shall, subject to this Act, be payable to the manufacturer of the rubber-insulated cable or rubber-insulated wire.

**Rate of bounty.**

**7.** Bounty shall, subject to this Act, be payable at the rate of Fourpence for each pound of copper wire used in the manufacture of the rubber-insulated cable or rubber-insulated wire in respect of which the bounty is payable.

**Bounty not payable unless goods manufactured in a factory.**

**8.** Bounty shall not be payable in respect of any rubber-insulated cable or rubber-insulated wire unless it has been manufactured in a factory, or in premises which have become a factory, and in accordance with the prescribed conditions.

**Reduction of bounty where profits exceed £8 per centum per annum.**

**9.**—(1.) Where the net profit of a manufacturer from the manufacture and sale of rubber-insulated cable and rubber-insulated wire during either of the financial years specified in section four of this Act exceeded or exceeds the rate of Eight pounds per centum per annum on the capital actually used by the manufacturer in that manufacture and sale, the Minister may withhold from the manufacturer payment of bounty in respect of the rubber-insulated cable and rubber-insulated wire produced during that financial year, and may recover any bounty which has been paid in respect thereof.

(2.) Where the payment of any bounty has resulted or would result in the net profit of a manufacturer, after taking the bounty into account, from the manufacture and sale of rubber-insulated cable and rubber-insulated wire during either such financial year exceeding the rate of Eight pounds per centum per annum on the capital actually used by the manufacturer in that manufacture and sale, the Minister may—

(*a*) require the manufacturer to refund the portion of the bounty paid to him which has resulted in the net profit, after taking the bounty into account, exceeding the rate of Eight pounds per centum per annum on that capital, and that portion shall thereupon be recoverable; or

(*b*) withhold from the manufacturer payment of such further bounty as would result in the net profit, after taking the bounty into account, exceeding the rate of Eight pounds per centum per annum on that capital.

(3.) Notwithstanding anything contained in this section, where the Minister finds that a manufacturer has, after taking into account the bounty which would, but for this section, have been payable to him, made a net profit during the financial year which commenced on the first day of July, One thousand nine hundred and forty-one exceeding the rate of Eight pounds per centum per annum on the capital actually used in the manufacture and sale of rubber-insulated cable and rubber-insulated wire, the Minister may, in taking action under this section, make such allowance as he, in his absolute discretion, thinks fit in respect of any net profit of less than Eight pounds per centum per annum, or any loss, which the manufacturer made during the previous financial year after taking into account the bounty paid to him in respect of rubber-insulated cable and rubber-insulated wire produced in that financial year.

(4.) For the purposes of this section, the Minister may—

(*a*) determine what amount of capital has been or is from time to time used by any manufacturer in the manufacture and sale of rubber-insulated cable and rubber-insulated wire, and what the amount of net profit was or is thereon; and

(*b*) determine, and include with the amount of capital so used, and the net profit thereon, any amount of capital used, and the net profit thereon, by any other person (whether subsidiary to or affiliated with the manufacturer or not) in the distribution or sale of rubber-insulated cable and rubber-insulated wire to users thereof.

(5.) In the determination under sub-section (4.) of this section of the amount of net profit derived by a manufacturer from the manufacture and sale of rubber-insulated cable and rubber-insulated wire, income tax assessed under any Act or State Act shall not be deducted from the profit so derived by that manufacturer.

**Good quality essential.**

**10.** Bounty shall not be paid on the production of any rubber-insulated cable or rubber-insulated wire unless the Comptroller-General or an authorized person is satisfied that it is of good and merchantable quality.

**Factories to be appointed by the Minister.**

**11.**—(1.) Where, in the opinion of the Minister, rubber-insulated cable or rubber-insulated wire is, or is proposed to be, manufactured at premises under such conditions as are from time to time prescribed, he shall appoint those premises as a factory for the purposes of this Act.

(2.) The Minister may require any person applying for the appointment of his premises as a factory under this section to furnish information as to the nature of the business or proposed business, the marketing possibilities of the rubber-insulated cable or rubber-insulated wire, and such other matters as the Minister thinks fit.

**Rates of wages and condition of employment.**

**12.**—(1.) Where, in the locality where rubber-insulated cable or rubber-insulated wire in respect of which bounty is claimed was or is manufactured, any standard rates of wages or conditions of employment to be paid or observed in respect of any persons employed in the manufacture of that rubber-insulated cable or rubber-insulated wire have been—

(*a*) prescribed by any award, order or determination of the Commonwealth Court of Conciliation and Arbitration or of any other industrial authority of the Commonwealth or of a State or Territory of the Commonwealth or in any industrial agreement registered under any law of the Commonwealth or of a State or Territory of the Commonwealth; or

(*b*) declared to be fair and reasonable in accordance with the provisions of sub-section (2.) of this section,

a manufacturer, when making any claim for bounty in respect of any rubber-insulated cable or rubber-insulated wire, shall certify to the Collector that the rates of wages paid and the conditions of employment observed by him in respect of the persons employed in the manufacture of rubber-insulated cable or rubber-insulated wire were not less favourable to the persons so employed than the rates and conditions so prescribed or declared.

(2.) If, in the locality where rubber-insulated cable or rubber-insulated wire in respect of which bounty is claimed was or is manufactured, the rates of wages and conditions of employment to be paid and observed in respect of any persons employed in the manufacture of that rubber-insulated cable or rubber-insulated wire have not been prescribed by any award, order or determination of the Commonwealth Court of Conciliation and Arbitration or of any other industrial authority of the Commonwealth or of a State or Territory of the Commonwealth or in any industrial agreement registered under any law of the Commonwealth or of a State or Territory of the Commonwealth, the Minister may make application to the Chief Judge or a Judge of the Commonwealth Court of Conciliation and Arbitration, for a declaration as to what rates of wages and conditions of employment are fair and reasonable in respect of persons employed in the manufacture of rubber-insulated cable or rubber-insulated wire in that locality.

(3.) If the Minister finds that the rates of wages paid to, or the conditions of employment, or any of them, observed in respect of, persons employed in the manufacture of rubber-insulated cable or rubber-insulated wire in respect of which bounty is claimed were less favourable to those persons than the rates and conditions prescribed or declared as specified in paragraph (*a*) or paragraph (*b*), as the case may be, of sub-section (1.) of this section, he may direct that the whole or any part of any bounty shall not be payable and that whole or part, as the case may be, shall thereupon not be payable.

**Separate accounts.**

**13.**—(1.) A manufacturer shall keep, to the satisfaction of the Minister, separate accounts, books and documents showing, from time to time, in relation to rubber-insulated cable and rubber-insulated wire subject to bounty, the capital actually used in, and the costs of, the manufacture and sale of the rubber-insulated cable and rubber-insulated wire, the selling prices and revenue from sales thereof, and the profits derived from the manufacture and sale.

(2.) A manufacturer shall, in respect of the financial year ended on the thirtieth day of June, One thousand nine hundred and forty-one, and in respect of the financial year ending on the thirtieth day of June, One thousand nine hundred and forty-two, furnish to the Comptroller-General a balance-sheet, profit and loss account, manufacturing account and trading account, and such other information in relation to the manufacture and sale of rubber-insulated cable and rubber-insulated wire subject to bounty as the Minister requires.

(3.) The accounts and information so furnished, together with the stocks of rubber-insulated cable and rubber-insulated wire recorded therein as having been held at the end of the financial year, shall be certified by the manufacturer and his auditor to be true and correct in every particular.

**Stocktaking and inspection of manufacture and accounts.**

**14.**—(1.) Any authorized person may, at all reasonable times, enter upon any factory or premises where rubber-insulated cable or rubber-insulated wire in respect of which bounty has been paid or claimed, is manufactured or stored, and may—

(*a*) inspect or take stock of the rubber-insulated cable and rubber-insulated wire therein;

(*b*) inspect the processes of manufacture of the rubber-insulated cable and rubber-insulated wire;

(*c*) take samples of the rubber-insulated cable and rubber-insulated wire; and

(*d*) inspect the accounts, books and documents relating to the manufacture and sale of the rubber-insulated cable and rubber-insulated wire.

(2.) The manufacturer and the owner or occupier of the premises shall provide the authorized person with all reasonable facilities and assistance to enable him to give effect to any or all of the matters specified in sub-section (1.) of this section.

Penalty (for any contravention of this sub-section): Fifty pounds.

**Power to require persons to answer questions and produce documents.**

**15.**—(1.) The Comptroller-General, a Collector or any authorized person may, by notice in writing, require any person whom he believes to be capable of giving any information in relation to the manufacture or sale of rubber-insulated cable or rubber-insulated wire in respect of which bounty has been claimed or paid to attend before him at the time and place named in the notice, and then and there to answer

questions and to produce to him such accounts, books and documents in relation to the manufacture or sale as the Comptroller-General, Collector or authorized person thinks necessary.

(2.) The Comptroller-General, Collector or authorized person to whom any accounts, books or documents are produced in pursuance of this section may make and take away copies of or extracts from those accounts, books or documents.

(3.) No person shall be excused from answering any question or producing any accounts, books or documents, when required so to do under this section, on the ground that the answer to the question or the production of the accounts, books or documents might tend to criminate him or make him liable to a penalty; but his answer shall not be admissible in evidence against him in any civil or criminal proceeding other than a proceeding for an offence against this Act.

(4.) Where a manufacturer has failed to attend or to answer any question or to produce any accounts, books or documents, when required so to do under this section, the Minister may, if he thinks fit, withhold payment of any bounty payable to the manufacturer until he has attended, answered the question or produced the required accounts, books or documents, as the case may be.

**Power to examine on oath.**

**16.** The Comptroller-General, a Collector or any authorized person may administer an oath to any person required to attend before him in pursuance of section fifteen of this Act and may examine that person upon oath.

**Affirmation in lieu of oath.**

**17.**—(1.) Where any person required to attend before the Comptroller-General, a Collector or an authorized person in pursuance of section fifteen of this Act conscientiously objects to take an oath, he may make an affirmation that he conscientiously objects to take an oath, and that he will state the truth, the whole truth and nothing but the truth, to all questions that may be asked him.

(2.) An affirmation so made shall be of the same force and effect, and shall entail the same penalties, as an oath.

**Penalty for refusing to answer questions, &c.**

**18.** A person shall not refuse or fail—

(*a*) to attend before the Comptroller-General, a Collector or an authorized person;

(*b*) to be sworn or to make an affirmation; or

(*c*) to answer questions or produce accounts, books or documents,

when so required in pursuance of this Act.

Penalty: Fifty pounds.

**Security for compliance with Act.**

**19.** The Minister may require any manufacturer to give security by bond, guarantee or cash deposit, or by all or any of these methods, for due compliance by him with the provisions of this Act and the regulations or for the performance of any undertaking given by him in pursuance of this Act or the regulations.

**Bounty not payable unless Act complied with.**

**20.** Bounty shall not be payable in respect of any rubber-insulated cable or rubber-insulated wire unless the manufacturer satisfies the Minister that the requirements of this Act and the regulations have been substantially complied with.

**Offences.**

**21.**—(1.) A person shall not—

(*a*) obtain any bounty which is not payable;

(*b*) obtain payment of any bounty by means of any false or misleading statement; or

(*c*) present to any officer or other person doing duty in relation to this Act or the regulations any account, book or document, or make to any such officer or person any statement, which is false in any particular.

Penalty: Five hundred pounds or imprisonment for twelve months.

(2.) Where a person is convicted under sub-section (1.) of this section, the Court may, in addition to imposing a penalty under that sub-section, order the person to refund to the Minister the amount of any bounty wrongfully obtained.

**Return for Parliament.**

**22.**—(1.) A return shall be prepared, not later than the thirty-first day of August, One thousand nine hundred and forty-two, and shall be laid before each House of the Parliament within fifteen sitting days of that House after the preparation of the return.

(2.) The return shall set forth—

(*a*) the name and address of each manufacturer to whom bounty was paid;

(*b*) the total amount of bounty paid to each manufacturer and the weight, value and country of origin of copper wire used in the production of rubber-insulated cable and rubber-insulated wire in respect of which bounty was paid;

(*c*) the total quantity of such rubber-insulated cable and rubber-insulated wire manufactured by each manufacturer and sold otherwise than direct to the Commonwealth for use for defence purposes; and

(*d*) such other particulars (if any) as are prescribed.

**Regulation.**

**23.** The Governor-General may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for prescribing—

(*a*) the form in which applications for bounty shall be made;

(*b*) the conditions to be observed by manufacturers in respect of giving notice of their intention to claim bounty and the time or times within which applications for bounty shall be lodged with the Collector;

(*c*) the conditions of manufacture of rubber-insulated cable and rubber-insulated wire at factories; and

(*d*) penalties not exceeding Fifty pounds for any breach of the regulations.